1 11-30 -01

313-008-2

PATENT

Practitioner's Docket No. Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.' " M.P.E.P. § 601, 7th ed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Francis J. Maguire, Jr.

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

APPARATUS FOR INDUCING ATTITUDINAL HEAD MOVEMENTS FOR PASSIVE VIRTUAL REALITY

> CERTIFICATION UNDER 37 C.F.R. § 1.10* (Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date January 29, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number _EL_762606222 dressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Judith Schick

(type or print name, of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

"WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing, 37 C.F.R, § 1.10(b),

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal [4-1]-page 1 of 11)

. Type of Application
This new application is for a(n)
(check one applicable item below)
☐ Original (nonprovisional)
☐ Design
☐ Plant
WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), international Application is being filed as a divisional, continuation or continuation—in-part application.
WARNING: Do not use this transmittal for the filing of a provisional application.
NOTE If one of the following 3 ferms apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION
☐ Divisional.
Continuation.
Continuation-in-part (C-I-P).
2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICA-TION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(New Application Transmittal [4-1]-page 2 of 11)

WARNING:	When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(0).
	The new application being transmitted claims the benefit of prior U.S. applica- tion(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
3. Papers	Enclosed
	uired for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 ign) Application
_51_Pa	ges of specification
3. Pa	ges of claims
_24_Sh	eets of drawing
WARNING:	DO NOT submit onginal drawings. A high quality copy of the drawings should be supplied when filing a patient application. The drawings that are submitted to the Office must be on strong, white, smooth, and one-shirp paper and meet the standards according to § 1.84. It corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).
inv the on	entifying indicia, if provided, should include the application number or the title of the invention, entor's name, clocket number (if any), and the name and telephone number of a person to call if Office is unable to match the drawings to the proper application. This information should be placed the back of each sheet of drawing a minimum distance of 1.5 cm. (S/8 inch) down from the top the page '37 C.F.R. § 1.84(g),
	(complete the following, if applicable)
	The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).
	formal
[X]	informal
B. Oth	er Papers Enclosed
_2^ Pa	ages of declaration and power of attorney
1 Pa	ages of abstract
_1_0	ther (Title Page)
4. Additi	onal papers enclosed
	Amendment to claims
	☐ Cancel in this applications claims
	☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
	Preliminary Amendment
	Information Disclosure Statement (37 C.F.R. § 1.98)
	Form PTO-1449 (PTO/SB/08A and 08B)
	Citations

		pert	nission of "Sequence Listing," computer readable copy and/or aining thereto for biotechnology invention containing nuclei to acid sequence.	
		Auth tive	orization of Attorney(s) to Accept and Follow Instructions from	Representa-
		Spe	sial Comments	
		Oth	r	
5. D	ect	aratio	or oath (including power of attorney)	
		the prior by all or applicate the sign by a sta being fi declarate person execute	executed declaration is not required in a continuation or devisional application contained a declaration as required, the application functioned a declaration as required, the application fewer than all the inventors named in the prior application, there is no ne on being filed, and a copy of the executed declaration filed in the prior affirmed roan indication thereon that it was signed is submitted. The copy must tement requesting deletion of the names of person(s) who are not inventors of if the declaration in the prior application was filed under § 1.47, then on must be filed accompanied by a copy of the decision granting § 1.47 status camer § 1.47 has subsequently priined in a prior application, then a copy of tid declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(a).	on being filed is we matter in the ication (showing be accompanied of the application in a copy of that or, if a nonsigning the subsequently
NOT		is direct abbrevi country	ation filed to complete an application must be executed, identify the specific, identified, withouthouth pull mane including family name and at least one give tion together with any other given name or initial, and the residence, post of or 1.63(4)(1)(4).	en name, without fice address and
NOT		as pres as presi is that ii this par	entroship of a nonprovisional application is that inventochip set forth in the os- nibed by § 1.6.2 except as provided for in § 1.5.3(d)(4) and § 1.6.3(d). If an os- ribed by § 1.63 is not filed during the pendency of a nonprovisional application, ventochip set forth in the application papers filed pursuant to § 1.53(b), unless graph accompanied by the fee set forth in § 1.17(b) is filed supplying or chi- is of the inventor or inventors.* 37 C.F.R. § 1.41(a)(1).	th or declaration , the inventorship s a petition under
			osed by	
		EXC	·	
			(check all applicable boxes)	
			inventor(s).	
			legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.	
			joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.	
			This is the petition required by 37 C.F.R. § 1.47 and required by 37 C.F.R. § 1.47 is also attached. See if for fee.	
		Not	Enclosed.	
NOT		the U.S may be	he filing is a completion in the U.S. of an International Application or where t application contains subject matter in addition to the International Application treated as a continuation or continuation-in-part, as the case may be, utilizing W APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICA	n, the application ng ADDED PAGE
			Application is made by a person authorized under 37 C.F.R behalf of <i>all</i> the above named inventor(s).	. § 1.41(c) on
			(New Application Transmittal [4-1]—page 4 of 11)

Declaration of Biological Deposit

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).
Showing that the filing is authorized. (not required unless called into question, 37 C.F.R. § 1.41(d))
6. Inventorship Statement
WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.
The inventorship for all the claims in this application are:
☐ The same.
or
☐ Not the same. An explanation, including the ownership of the various claims at
 Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
is submitted.
□ will be submitted.
7. Language
NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130,00 required by 37 C.F.R. § 1.17(R) is required to be filed with the application, or within such time as may be set by the Office, 37 C.F.R. § 1.52(D).
🖾 English
☐ Non-English
 The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).
8. Assignment
☐ An assignment of the invention to
is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
will follow.
NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).
WARNING: A newly executed *CERTIFICATE UNDER 37 C.F.R. § 3.73(p)* must be filed when a continuation- in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

(New Application Transmittal [4-1]-page 5 of 11)

9.	Certified	Сору	
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Certified copy(ies) of application(s)

Country		Appln. No.			Filed
Country		Appin. No			Filed
Country		Appln. No			Filed
from which priority is cla	imed				
s (are) attache	ed.				
will follow.					
NOTE: The foreign applicate declaration, 37 C.F.F.			ım for	pnonty must b	be referred to in the oath or
U.S application or In § 120 is itself entitled	ternational Applica I to prionty from a	ation from whi pnor foreign	ch this applica	s application cla ation, then com	directly relates. If any parent aims benefit under 35 U.S.C aplete item 18 on the ADDED PRIOR U.S. APPLICATION(S)
10. Fee Calculation (3)	7 C.F.R. § 1.1	6)			
A. Regular applic	ation				
	CLA	IMS AS FI	.ED		
Number filed	Nur	mber Extra		Rate	Basic Fee 37 C.F.R. § 1.16(a) x\$660000 \$710.
Total Claims (37 C.F.R. § 1.16(c))	- 20 =	0	×	\$ 18.00	
Independent					
Claims (37 C.F.R.		4		\$80.00	
§ 1.16(b))	- 3 =		×	\$078800	
Multiple dependent claim if any (37 C.F.R. § 1.16			+	\$260.00	
☐ Amendment c	ancelling extra	claims is	enclo	osed.	
Amendment d	leleting multipl	e-depende	ncies	is enclosed	i.
☐ Fee for extra	claims is not t	peing paid	at th	is time.	
NOTE: If the fees for extra cl prior to the expiratio notice of fee deficie	n of the time peri	od set for res			and Trademark Office in an
	Filing Fee	e Calculatio	n		\$ 710.00
B. Design application (\$310.00—37	ation C.F.R. § 1.16((f))			

(New Application Transmittal [4-1]-page 6 of 11)

• •	Dit Fasting	
. —	Plant application (\$480.00—37 C.F.R. § 1.16(g))	
	Filing fee calculation	\$
11. Small	Entity Statement(s)	
_	Statement(s) that this is a filing by a small er is (are) attached.	ntity under 37 C.F.R. § 1.9 and 1.27
WARNING:	the status is available and desired. Status as a small affect any other application or patent, including a indirectly dependent upon the application or patent i refling of an application under § 1.53 as a continued a continued prosecution application under § 1.53 (a) a new determination as to continued entitlement to application. A nonprovisional application charmon application, or a reissue application or in the patent if the nonprovisional application or in the patent if the nonprovisional application or in the patent in the prior application statement in the prior application or in the patent active the patent if the proprovisional application or application or in the patent as the prior application or in the patent application or in the prior application or	lentity in one application or patent does not opplications or patents which are directly or on which the status has been established. The on, division, or continuation-in-part (including to the filing of a reissue application requires mail entity status for the continuing or reissue enefit under 35 U.S.C. § 1196). 120. 121, or on may rely on a statement filed in the prior olication or the reissue application includes a or in the patent or includes a copy of the od status as a small entity is still proper and ry filing fee will be treated as such a reference in the patence of the control of the control of the treatment of the control of the control of the principle of the control of the principle of the control of the principle of the patent principle of the control of the principle of the control of the principle of the control of the principle of principle of pri
WARNING:	: "Small entity status must not be established when the can unequivocally make the required self-certificat 1996 (emphasis added).	
	(complete the following, if a	applicable)
(X)	Status as a small entity was claimed in pr	ior application
	35 U.S.C. § [] 119(e), [3] 120, [] 121, [] 365(c),	
	and which status as a small entity is still	I proper and desired.
	A copy of the statement in the prior	application is included.
	Filing Fee Calculation (50% of A, B or \$ 355.00	
ar	ny excess of the full fee paid will be refunded if small er re filed within 2 months of the date of timely paymen xtendable under § 1.136. 37 C.F.R. § 1.28(a).	
12. Requ	uest for International-Type Search (37 C.	F.R. § 1.104(d))
	(complete, if applica	ble)
0	Please prepare an international-type search when national examination on the merits	

13. Fee Payn	nent Being Made at This Time	
☐ Not	Enclosed	
	No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § subsequently.)	1.16(e) can be paid
Ĕ Enc	losed	
K	Filing fee	\$ 355,00
	Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$
	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(ii))	\$
	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$
	Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$
	Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$
failing t 37 C.F. either t	R. § 1.21() establishes a fee for processing and retaining any applic to complete the application pursuant to 37 C.F.R. § 1.53() and th R. §§ 1.53 and 1.78(a)(), indicate that in order to obtain the bene- he basic filling fee must be paid, or the processing and retention for year from nortification under § 53(i).	is, as well as the changes to fit of a prior U.S. application,
	Total fees enclosed	\$
	of Payment of Fees	
	eck in the amount of \$355.00	
	arge Account No.	in the amount of
Ad	duplicate of this transmittal is attached.	
NOTE: Fees sl § 1.22	hould be itemized in such a manner that it is clear for which purposi (b).	e the fees are paid. 37 C.F.R.

15. Authorization to Charge Additiona	15	Authorization	to Charge	Additional	Fees
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WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 23–0442
 - 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
 - 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- NOTE: Because additional fees for excess or multiple dependent claims not pard on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.B., § 1.16(di), it might be best not to authoritie the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
 - 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
 - 37 C.F.R. § 1.17 (application processing fees)
- NOTE: ". A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time lenes will be treeted as constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).
 - 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).
- NOTE: 37 C.F.R. § 1.28(b) requires: "Notification of any change in status resulting in loss of entitlement to small entity status must be filled in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . " From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

(New Application Transmittal [4-1]-page 9 of 11)

....

16. Instructions as to Overpayment

NOTE: *... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a depost account. 37 C.F.A. § 1.26(a).

☐ Credit Account No. 23-0442

☐ Refund

Reg. No. 31,391

Tel. No. (203) 261-1234

Customer No. 004955

Flamis Magne SIGNATURE OF PRACTITIONER

Francis J. Maguire

Ware, Fressola, Van Der Sluys & Adolphson LLP

(type or print name of attorney)

755 Main Street, P.O. Box 224 P.O. Address

Monroe, Connecticut 06468

(New Application Transmittal [4-1]-page 10 of 11)

[] Incor	poration by reference of added pages
p si tt	heck the following item if the application in this transmittal claims the benefit o rior U.S. application(s) (including an international application entering the U.S age as a continuation, divisional or C-I-P application) and complete and attach be ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF RIOR U.S. APPLICATION(S) CLAIMED)
C	Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S Application(s) Claimed
	Number of pages added
	Plus Added Pages for Papers Referred to in Item 4 Above
	Number of pages added
	Plus added pages deleting names of inventor(s) named in prior application(s who is/are no longer inventor(s) of the subject matter claimed in this application
	Number of pages added
	Plus "Assignment Cover Letter Accompanying New Application"
	Number of pages added
State	ement Where No Further Pages Added
	f no further pages form a part of this Transmittal, then end this Transmittal wit his page and check the following item)
124	This transmittal ends with this page.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Re application of

:

F. J. Maquire, Jr.

.

Filed: Herewith

.

Continuation-In-Part Application of

Serial No. 08/794,122 :

Examiner: M. Lee Group Art Unit: 2516

Filed: February 3, 1997 : Group Art Unit:

For: APPARATUS FOR INDUCING ATTITUDINAL HEAD MOVEMENTS FOR PASSIVE VIRTUAL REALITY

37 CFR 1.213 CERTIFICATION AND REQUEST FOR NONPUBLICATION UNDER 35 USC 122(b)(2)(B)(i)

Assistant Commissioner for Patents U.S. Patent and Trademark Office Washington DC 20231

Sir:

Applicant Francis J. Maguire, Jr. hereby certifies that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilaterial international agreement that requires publication of applications 18 months after filing.

FILING OF PAPERS AND FEES BY "EXPRESS MAIL" WITH CERTIFICATE IN ACCORDANCE WITH 37 CFR 1.10

WITH CERTIFICATE IN ACCORDANCE WITH 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail" in an envelope with Meiling Label No. EL 76260522 US placed thereon prior to mailing and addressed to the Assistant Commissioner for Patents, Weakington DC 20231.

Judith Schie

Dated: 1-29-01

Therefore, applicant requests that this application shall not be published under 35 USC \$122(b)(1)(A).

Respectfully submitted,

Francis J. Maguire Attorney for the Applicant Registration No. 31,391

FJM/mbh
January 29, 2001
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, PO Box 224
Monroe CT 06468
(203) 261-1234